



TOWN OF WEST HARTFORD

AGENDA ITEM SUMMARY

To: Town Council

From: Matt Hart, Town Manager

Date: June 12, 2018

CC: P. Alair, M. McGovern, T. Dumais

Subject: Ordinance (Wenograd, Dodge, Barnes) Editing the Schedule of Permitted Accessory Uses Section 27 for Food Trucks (999)

Background: In March of 2017, the Council approved an ordinance permitting food trucks to vend on eligible streets within the industrial districts and in commercial parking lots in the industrial districts as an accessory use, provided each truck was permitted by the Police Department and Health District and each lot was approved by Zoning Enforcement.

The proposed ordinance seeks to amend only the process for food trucks that wish to sell as an accessory use, and adds language in the Schedule of Permitted Accessory Uses that points to the requirements of Health Director. Doing so takes the Police Department out the permitting process for food truck operators applying for this type of permit only, as experience has shown that Police Department review is an unnecessary step in the review process. The jurisdiction to issue such a permit properly rests with Health and Zoning.

Based on experience to date, the proposal also recommends eliminating the cap on the number of days per week that a truck can sell under an accessory use permit.

The Community Planning and Physical Services Committee reviewed the proposed ordinance on May 16, 2018 and recommended that it be introduced to the Town Council.

Operational Impact: There will be minimal operational impact resulting from this amendment. The Health District is already required to permit and to inspect food trucks that operate at other venues.

Financial Impact: There is no direct fiscal impact on the fiscal year 2018 budget. Minimal fee revenue will be generated.

Legal Review: The ordinance has been drafted by the Corporation Counsel's office and reviewed for form and legality.

Recommendation: Staff recommends that the Council move to receive the amendment, refer to the Town Plan and Zoning Commission and Capitol Region Council of Governments and schedule for public hearing within not less than thirty nor more than sixty days.

Attachments: An Ordinance Editing the Schedule of Permitted Accessory Uses Section 27 for Food Trucks

ORDINANCE EDITING THE SCHEDULE OF PERMITTED ACCESSORY USES
SECTION 27 FOR FOOD TRUCKS

WHEREAS, food trucks have substantially grown in popularity over the past decade; and

WHEREAS, West Hartford desires to promote economic development through the encouragement of vibrant entertainment alternatives, including accommodating the popularity and growth of the food truck industry; and

WHEREAS, West Hartford has found that the process for permitting food truck operators can be simplified, and

WHEREAS, it is also desirable to clarify the applicability of health requirements to food trucks for the safety of the community,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT Section 177-6C of the West Hartford Code of Ordinances is hereby repealed and the attached is substituted in lieu thereof:

(Wenograd, Dodge, Barnes)
06/12/2018

Approved as to Form and Legality:

Patrick G. Alair,
Corporation Counsel

Town of West Hartford
Schedule of Permitted Accessory Uses

| | One-Family Residence Districts | | | | | | | Multi-Family Residence Districts | | | | | | | | Business Districts | | | | | | | | Industrial Districts | | | |
|---|--------------------------------|------|------|------|------|-----|----|----------------------------------|------|------|------|-------|--------------|----|----|--------------------|--|----|----|-----|----|-----------|----|----------------------|----|----|----|
| Permitted Accessory Uses | R-80 | R-40 | R-20 | R-13 | R-10 | R-6 | EP | RM-4 | RM-3 | RM-2 | RM-1 | RM-MS | RCO and RM/O | RO | RP | BOL ¹ | BO | RI | BN | BND | BS | BC & CBDH | BG | IP | IE | IR | IG |
| 1. Keeping of not more than 3 nontransient roomers or boarders in any dwelling unit | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | | P | P | P | P | | P | | | | | |
| 1A. Keeping of not more than 3 nontransient roomers or boarders in any dwelling unit for which a family permit for a housekeeping unit composed of three (3) or fewer individuals not related by blood or marriage as specified in §177-2 of this chapter is issued | A | A | A | A | A | A | | A | A | A | A | A | A | A | A | | A | A | A | A | | A | | | | | |
| | | | | | | | | | | | | | | | | | No restrictions on commercial vehicles | | | | | | | | | | |
| 2. Private garage for motor vehicles | X | X | X | X | X | X | | X | X | X | X | X | X | X | X | | X | X | X | X | X | X | X | X | X | X | X |
| 3. Off-street parking and loading facilities for: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) Motor vehicles | | | | | | | X | | | | | | | | | X | X | X | X | X | X | X | X | X | X | X | X |
| (b) Motor vehicles bearing current Connecticut passenger registration | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| (c) Either 1 van or 1 pickup truck per dwelling unit | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| (d) Not more than 2 unregistered motor vehicles | | | | | | | | | | | | | | | | X | X | X | X | | X | X | X | X | X | X | X |
| (e) Not more than 1 unregistered motor vehicle | X | X | X | X | X | X | | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| 4. Parish house, parsonage, church schoolrooms | A | A | A | A | A | A | | A | A | A | A | A | A | A | A | | A | A | A | A | A | A | A | | | | |

KEY:
A = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42A.
B = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42B.
C = Permitted use subject to approval of Town Council pursuant to § 177-45 and subject to § 177-42B.
P = Permitted use subject to issuance of a building and/or zoning permit.
X = Permitted accessory use subject to the same permits and review procedures as the main use to which it is an accessory.
Not marked = Not a permitted use in the particular zoning district.

NOTES:
¹For detailed use regulations in the BOL District, see § 177-7.

| Permitted Accessory Uses | One-Family Residence Districts | | | | | | | Multi-Family Residence Districts | | | | | | | | Business Districts | | | | | | | | Industrial Districts | | | | |
|--|--------------------------------|------|------|------|------|-----|----|----------------------------------|------|------|------|-------|--------------|----|----|--------------------|----|----|----|-----|----|-----------|----|----------------------|----|----|----|---|
| | R-80 | R-40 | R-20 | R-13 | R-10 | R-6 | EP | RM-4 | RM-3 | RM-2 | RM-1 | RM-MS | RCO and RM/O | RO | RP | BOL ¹ | BO | RI | BN | BND | BS | BC & CBDH | BG | IP | IE | IR | IG | |
| 5. Signs as specified in §177-33 | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 6. Swimming pools, provided that they meet the requirements set forth by ordinance | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 7. Noncommercial greenhouse, boathouse, fallout shelter | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | X | X | X | X | X | X | X | X | X | X |
| 8. As an incidental part of the conduct of a retail business, manufacturing and packaging of articles to be sold at retail on the premises, provided that not more than 50% of the floor space occupied by such retail business is devoted to such manufacturing and packing use | | | | | | | | | | | | | | | | | | P | P | P | P | P | | | | P | P | |
| 9. Any accessory building or use, except that an accessory use of not more than 3 days’ duration for any 1 event for a charitable or philanthropic purpose or for a seasonal farmers’ market on the premises of a commercial or industrial use, place of worship, school or college, library or museum, religious institution, park or recreational facility and private nonprofit membership club is permitted as a “P” use. Customary accessory uses for such charitable or philanthropic purposes shall include but are not limited to rummage sales, bazaars, fairs and plant sales. Tag sales of no more than 3 days’ duration and no more than 2 times in a calendar year shall be permitted accessory use to a residence. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 10. Amusement devices, as specified in §177-31 and licensed under §§3-11 through 3-16 of the West Hartford Code ² | | | | | | | | | | | | | | | | | | | X | X | X | X | X | X | X | X | X | X |

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Not marked = Not a permitted use in the particular zoning district.

NOTES:

¹For detailed use regulations in the BOL District, see § 177-7.

²Editor’s Note: Secs. 3-11 through 3-16 of the 1972 Code were repealed 5/25/82.

| Permitted Accessory Uses | One-Family Residence Districts | | | | | | | Multi-Family Residence Districts | | | | | | | | Business Districts | | | | | | | | Industrial Districts | | | |
|---|--------------------------------|------|------|------|------|-----|--------------|----------------------------------|------|------|------|-------|--------------|----|----|--------------------|----|----|----|-----|----|-----------|----|----------------------|----|----|----|
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| 11. Service of food and beverages by waiters or waitresses at customers’ tables outside of the enclosed restaurant on the premises of an existing restaurant. | A | A | A | A | A | A | ² | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 12. Family day-care home | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 13. Retail firearms store | | | | | | | | | | | | | | | | | | | | | X | X | X | | | | |
| 14. Circular driveway, as specified in §177-32E(13) | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | |
| 15. Child day-care center operating before and after regular school hours only if accessory to an existing public, private or parochial school or college which is the main use on the site | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 16. Drive-up window-counter service at restaurants | | | | | | | | | | | | | | | | | | | | | | | | | | X | X |
| 17. Provision of temporary seasonal outdoor dining on the premises of an existing restaurant which does not sell alcoholic beverages, provided that there are no more than 4 tables, with 4 chairs per table. Location of outdoor furniture shall not obstruct the pedestrian right-of-way or emergency access. | | | | | | | ² | | | | | | | | | | | | P | P | P | P | P | P | P | P | P |

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²See § 177-3D(6).

[illegible]

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